

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
ELIDA JIMENEZ and MARIA SANTOS MARTINEZ, :
individually and on behalf of others similarly situated :

Plaintiffs, :

-v- :

AURA E. FERNANDEZ, individually, and 3236 :
BAINBRIDGE AVE. FOOD CORP. d/b/a MAR & :
TIERRA RESTAURANT AND LOUNGE :

Defendants. :
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19-CV-10492 (JMF) (KHP)

ORDER SCHEDULING
DEFAULT JUDGMENT
BRIEFING AND SHOW
CAUSE HEARING

JESSE M. FURMAN, United States District Judge:

On November 12, 2019, Plaintiffs filed their Complaint with the Court. *See* ECF No. 1. Defendants were served with the Complaint on December 5, 2019, and proof of service was filed with the Court. *See* ECF Nos. 9, 10. To date, Defendants have neither answered the Complaint, nor otherwise appeared in this action. In light of the foregoing, it is hereby ORDERED that any motion for default judgment shall be filed, in accordance with the Court's Individual Rules and Practices for Civil Cases (available at <https://nysd.uscourts.gov/hon-jesse-m-furman>), no later than **January 17, 2020**. Defendant shall file any opposition to the motion for default judgment no later than **January 24, 2020**. Defendants are cautioned that a corporation may appear in federal court only through licensed counsel, and "where a corporation repeatedly fails to appear by counsel, a default judgment may be entered against it." *Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006) (internal quotation marks omitted).

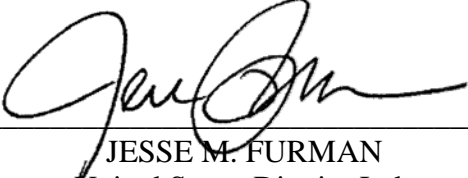
If a motion for default judgment is filed, it is further ORDERED that Defendants appear and show cause before this Court, Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York, on **February 11, 2020, at 4:15 p.m.**, why an order should not be issued granting a default judgment against Defendants. Prior to that date, Plaintiffs must file the proposed default judgment order electronically, using the ECF Filing Event "Proposed Default Judgment," for the Clerk's approval.

In the event that any Defendant appears or opposes the motion for default judgment prior to that date, the parties shall prepare to treat that conference as the initial pretrial conference with respect to any such appearing Defendant. That is, if any Defendant appears, opposes the motion, or seeks a *nunc pro tunc* extension of time to respond to the complaint, then the parties — including any such appearing Defendant — shall follow the pre-conference procedures specified in the Court's Order of November 13, 2019, including by submitting a joint letter addressing certain topics and a proposed case management plan no later than the Thursday prior to the conference and by participating in an early mediation session at least two weeks prior to the conference. *See* ECF No. 5.

It is further ORDERED that Plaintiffs serve Defendants via overnight courier (1) with a copy of this Order within **one business day of the date of this Order**; and (2) with a copy of the motion for default judgment and all supporting papers within **one business day** of the date of any such motion. In each case, within **two business days of service**, Plaintiffs must file proof of such service on the docket.

SO ORDERED.

Dated: January 3, 2020
New York, New York



JESSE M. FURMAN
United States District Judge